

REMARKS

This Amendment is responsive to the Office Action dated October 31, 2005. Claims 1-20 were pending in the application. In the Office Action, claims 1-20 were rejected. In this Amendment, Claims 1-20 were cancelled claims 21-45 were added. Claims 21-40 now remain for consideration.

Applicant submits that claims 21-45 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Interview

Applicant would like to thank Examiner Garg and Examiner Allen for their time during a December 8, 2005 interview.

Objections to the Specification

(A) The disclosure was objected to because of an informality.

Applicant has amended the disclosure to overcome the above objection and now believes the above objection should be traversed.

(B) The disclosure was objected to because of improper line spacing.

Applicant has amended the disclosure to overcome the above objection and now believes the above objection should be traversed. A replacement specification is attached to this amendment.

§ 112 Rejections

Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has cancelled claim 1 and now believes the above 112 rejection is moot.

§ 103 Rejection

Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over www.BlueNile.com, dated February 16, 2005, extracted October 21, 2005 from www.archive.org (herein referred to as BlueNile) in view of www.moonstonejewelry.com/lesbian-ring-511.html, dated October 21, 2002, extracted from archive.org on October 24, 2005 (herein referred to as Moonstone).

During the December 8th interview, Claim 1 was discussed with respect to the prior art. It was agreed that Applicant would amend the claims and submit an amendment for further consideration.

In light of this, Applicant has cancelled claims 1-20 and has added new claims 21-45. Applicant now believes that independent claims 21 and 41 are patentable over BlueNile and Moonstone.

Claims 22-40 depend on claim 21. Since claim 21 is believed to be patentable over BlueNile and Moonstone, claims 22-40 are believed to be patentable over BlueNile and Moonstone on the basis of their dependency on claim 21.

Claims 42-45 depend on claim 41. Since claim 41 is believed to be patentable over BlueNile and Moonstone, claims 42-45 are believed to be patentable over BlueNile and Moonstone on the basis of their dependency on claim 41.

Furthermore, upon Applicant's review, Applicant believes that Examiner has unsuccessfully used the prior art references to establish a prima facie case of obviousness.

In order to establish a prima facie case of obviousness, Examiner has to show that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP § 2143.

Here, Examiner relies on BlueNile for providing a rough stone and presenting the multiple stones to multiple customers. Examiner admits that BlueNile does not teach "the first and second persons having a specific relationship."

To overcome the deficiencies of BlueNile, Examiner relies upon Moonstone. Moonstone teaches of selling commitment rings. However, Moonstone teaches only of selling rings made from the same type of metallic material. There is no motivation in Moonstone to substitute the metallic material of Moonstone with the rough stones of BlueNile.

Since BlueNile and Moonstone -- taken either alone or in combination -- do not teach, suggest or motivate Applicant's invention, it can be logically concluded that there is no suggestion in the knowledge generally available in the jewelry industry to modify the above references to combine the cutting of two rough stones and presenting the stones to multiple persons having a specific relationship. MPEP § 2144.08 II A 3.

Based on the above analysis, it can be logically concluded that Examiner did not

establish the prima facie case of obviousness and should withdraw his §103 rejection.

CONCLUSION

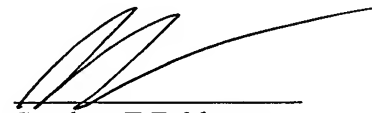
Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
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